

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SARAH LINDSAY,

Plaintiff,

v.

Case No. 21-10136
Hon. Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
and
DISMISSING ACTION**

This matter is before the Court on Magistrate Judge Patricia T. Morris' Report and Recommendation. [ECF No. 22, 6/1/2022] To date, no Objections have been filed to the Report and Recommendation and the time to file such has passed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a de novo review. The district court may not resolve

conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. The Court agrees with the Magistrate Judge that the ALJ's Residual Functional Capacity analysis adequately accounted for the conditions of Chiari malformation and migraine headaches. In addition, the Court agrees that the Magistrate Judge that the ALJ properly considered the impact of medication side effects on Plaintiff's work abilities and supported the reason for declining to include a limitation in neck rotation. The Court agrees with the Magistrate Judge's determination that the ALJ's findings were supported by substantial evidence in reaching the conclusion that Plaintiff is not disabled under the Act and that remand is not required to further review the records before the ALJ. The Court accepts the Magistrate Judge's Report and Recommendation as this Court's findings of fact and conclusions of law that Plaintiff is not disabled under the Act.

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Patricia T. Morris [ECF No. 22, 6/1/2022] is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [ECF No. 16, 10/14/2021] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [ECF No. 20, 12/21/2021] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: September 27, 2022